

Chief Judge David G. Estudillo

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CAMERON TAYLOR,

Defendant.

NO. CR23-5128 DGE

UNITED STATES' SENTENCING
MEMORANDUM

I. INTRODUCTION

Cameron Taylor sexually assaulted an unconscious female while stationed abroad in the Army. He also molested a 5-year-old neighbor in the United States. And he molested another 5-year-old child in his care. He closed her in a closet, unbuckled his pants, pulled out his penis, and made the child touch it until he ejaculated. The child screamed and tried to leave the closet, but Taylor would not let her. At other times, Taylor kissed this child with his tongue, tried to pull down her pants and underwear while in bed, and made her sit on his lap and kissed her again with his tongue. When law enforcement later interviewed that child, Taylor coached her to lie. Taylor has now pleaded guilty to one count of abusive sexual contact against a child under age 12, based on his molestation of the 5-year-old child in the closet.

1 All the relevant 18 U.S.C. § 3553(a) factors support the mid-Guidelines sentence
 2 recommended by the Probation Office: 96 months in prison, followed by a lifetime term
 3 of supervised release. This reasonable sentence suffices but is no greater than necessary
 4 to protect the public from Taylor and to achieve the other statutory sentencing goals.

5 II. BACKGROUND

6 A. Taylor sexually assaults an unconscious woman and molests a 5-year-old 7 neighbor child (MV2)

8 Taylor left the Army in 2016 with a Less than Honorable Discharge. He was
 9 discharged as a plea agreement in lieu of a Court Martial for assault consummated by
 10 battery and assault upon a sentinel or lookout. PSR ¶ 35. The charges stemmed from
 11 Taylor's sexual assault of an unconscious female in Germany in 2015. PSR ¶ 35; Exhibit
 12 1. Taylor tried to remove the woman's pants and underwear so he could rape her. Exhibit
 13 2. Taylor told his then-wife that he would have sex with the unconscious woman.
 14 Taylor's then-wife physically stopped him from completing the rape, but Taylor hit and
 15 kicked her. Taylor also physically assaulted a fellow soldier while Taylor was being
 16 apprehended for the offense.

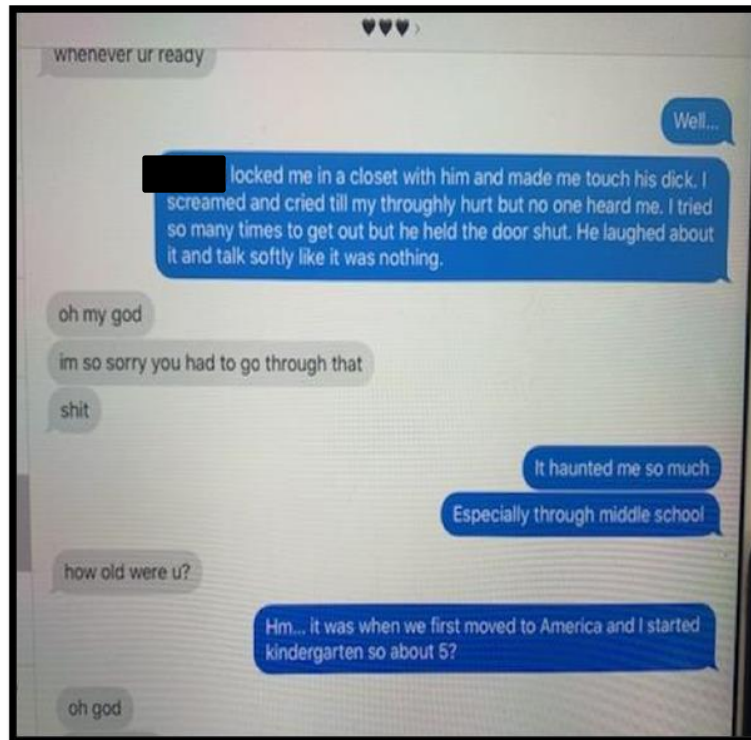
17 A few years later, once Taylor was back in the United States, he committed
 18 another sex crime—this time against a 5-year-old child. In August 2019, Taylor molested
 19 a 5-year-old neighbor girl, MV2, by making her touch his penis with her hand. PSR ¶ 32.
 20 This offense occurred during a playdate when MV2 was playing with Taylor's children.
 21 Exhibit 3. Taylor asked MV2 to come to his bedroom and massage him. Taylor told the
 22 child to massage his chest, then his inner thighs. MV2 said that Taylor unzipped his pants
 23 and exposed his penis. MV2 described the event in detail, saying that she had “both her
 24 hands in his shorts” and “felt skin and bones.” She also described that she felt “a very
 25 strong bone in his legs and his private bone.” MV2 started crying, left the room, and told
 26 her grandmother immediately. Police responded to the scene and arrested Taylor. Taylor
 27 admitted to being drunk during the incident and stated, “I pulled out my dick. I put it

away. I was hard, I admit that.” PSR ¶ 10; Exhibit 4. Taylor and his wife separated soon after that incident and divorced in 2021. PSR ¶ 10. Based on his abuse of MV2, Taylor pleaded guilty to second-degree child molestation and was sentenced in 2022 to 18 months’ confinement and 36 months’ community custody. PSR ¶¶ 11, 32.

B. Taylor molests a 5-year-old child in his care (MV1)

As part of the MV2 investigation, police also interviewed another 5-year-old child who was in Taylor’s care—MV1, the victim in the offense charged here. MV1 told police that Taylor never made her feel uncomfortable and never exposed his skin to her. But Taylor later admitted coaching MV1 to lie in that interview. PSR ¶ 11.

Taylor’s effort to hide his abuse of MV1 ultimately failed. In August 2021, MV1’s mother was cleaning MV1’s room when she found messages MV1 had written to her cousin on an iPad a few weeks earlier. MV1 disclosed to her cousin that [Taylor] “locked me in a closet with him and made me touch his dick. I screamed and cried till my thro[at] hurt but no one heard me. I tried so many times to get out but he held the door shut. He laughed about it . . . It haunted me so much.”



1 PSR ¶ 12. MV1’s mother reported the messages to Army law enforcement, which
2 referred the case to local authorities. *Id.*

3 In forensic interviews with local and federal investigators, MV1 disclosed the
4 sexual abuse charged here. PSR ¶¶ 13–15. While MV1 was 5 or 6 years old (between
5 June 2012 and May 2014), she was playing in a closet. Taylor came in behind her, shut
6 the door, unbuckled his pants, pulled his penis out, held the door shut, and forced her to
7 “do the thing.” PSR ¶¶ 13–14. MV1 screamed to be let out, but Taylor “was laughing
8 about it and just told me to do it.” PSR ¶ 13. MV1 said that she “touched [Taylor’s] thing
9 and it bubbled a little. He told me to touch it and I just kinda poked it.” *Id.* MV1 saw the
10 bubbles “on the tip.” *Id.* During this abuse, MV1 tried to leave the closet, but Taylor
11 prevented her from leaving by holding the door shut. PSR ¶ 14.

12 In other incidents, Taylor again abused MV1 when alone with her. After Taylor
13 and his then-wife had a fight, Taylor hugged MV1 in bed and then pulled down her pants
14 and underwear. PSR ¶ 15. MV1 remembers trying to pull her clothes back up, but Taylor
15 moved her hand away. *Id.* Taylor tried to kiss her and stuck his tongue into her mouth.
16 MV1 fell asleep and does not know what happened after that. *Id.* In a third incident,
17 Taylor kissed MV1 with his tongue while she was sitting on his lap and the child’s
18 mother was in the shower. *Id.*

19 **C. Taylor pleads guilty to sexually abusing MV1**

20 The grand jury returned an indictment charging Taylor with one count of Abusive
21 Sexual Contact of a child in violation of 18 U.S.C. § 2244(a)(5), based on the closet
22 incident in which he forced MV1 to touch his penis until he ejaculated. Dkt. 1. Days
23 before trial, Taylor pleaded guilty. Dkt. 85. As part of that plea agreement, the
24 government agreed to recommend a prison sentence of no more than 96 months. *Id.* ¶ 11.
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III. UNITED STATES' SENTENCING RECOMMENDATION

A. The PSR correctly calculates the Guidelines range

All sentencing proceedings must begin with a correct Guidelines calculation—the starting point and initial benchmark, which must be kept in mind throughout the sentencing process. *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (en banc). A within-Guidelines sentence “will usually be reasonable.” *Rita v. United States*, 551 U.S. 338, 351 (2007). If a court determines that a sentence outside the Guidelines is warranted, the court “must consider the extent of the deviation and ensure that the justification is sufficiently compelling to support the degree of the variance.” *Carty*, 520 F.3d at 991 (citation and quotation marks omitted). Although “the Guidelines are advisory rather than mandatory,” they are “the product of careful study based on extensive empirical evidence derived from the review of thousands of individual sentencing decisions.” *Gall v. United States*, 552 U.S. 38, 46 (2007).

The government agrees with the PSR’s Guidelines calculation. The base level offense is 20 under USSG § 2A3.4. PSR ¶ 20. Taylor’s conduct meets that described in 18 U.S.C. § 2241(a) or (b). A preponderance of evidence establishes that Taylor placed MV1 in fear and used force. *See United States v. Fulton*, 987 F.2d 631, 633 (9th Cir. 1993) (“The force requirement is met when the sexual contact resulted from a restraint upon the other person that was sufficient that the other person could not escape the sexual contact.”). By Taylor’s own account, he closed a young child in a closet and had her touch his penis until he ejaculated. And the victim reports that she screamed and told Taylor to let her out of the closet. PSR ¶¶ 12–13, 21. Although Taylor offers a conclusory objection to the PSR’s facts that MV1 screamed or that he refused to let her out of the closet, Taylor offers no evidence undermining MV1’s account. Plus, Taylor apparently does not dispute that MV1 *told* him to let them out of the closet or cried when he abused her. A preponderance of evidence establishes that Taylor committed a sexual act, used force, and placed MV1 in fear. *See United States v. Lucas*, 101 F.4th 1158, 1162–63 (9th

1 Cir. 2024) (preponderance standard applies to all Guidelines factfinding). In fact, the *only*
 2 evidence before the Court confirms these facts.

3 The government further agrees with Probation (and with Taylor) that a 2-level
 4 Guidelines increase applies because MV1 was in Taylor's custody, care, or supervisory
 5 control. PSR ¶ 22; Plea Agreement ¶ 9.a. A 4-level increase also applies because MV1
 6 had not attained the age of 12 years. PSR ¶ 21.

7 Finally, the government also agrees that Taylor is a repeat and dangerous sex
 8 offender against minors under USSG § 4B1.5(b)(1), triggering a further 5-level increase.
 9 PSR ¶ 27. This Guidelines provision extends to "any case in which the defendant's
 10 instant offense of conviction is a covered sex crime, neither § 4B1.1 nor subsection (a) of
 11 this guideline applies, and the defendant engaged in a pattern of activity involving
 12 prohibited sexual conduct." USSG § 4B1.5(b); *see, e.g., United States v. Ferguson*, 560
 13 F.3d 1060, 1066 (9th Cir. 2009) (applying this enhancement in a child-pornography
 14 production case based on defendant's commission of multiple sexual acts against a single
 15 minor victim). Taylor committed a "prior sex offense" under Chapter 109A of Title 18 by
 16 abusing MV2. He was also convicted of child molestation of MV2, and thus "engaged in
 17 a pattern of activity involving prohibited sexual conduct if on at least two separate
 18 occasions." USSG §4B1.5 Commentary Note 4(b)(i); *see* Probation Response to Defense
 19 Objection 3.

20 With a 3-level reduction for acceptance of responsibility, PSR ¶¶ 28–29, Taylor's
 21 total offense level is 28. With a Criminal History Category II, PSR ¶ 34, Taylor's
 22 advisory Guidelines range is 87 to 108 months in prison. PSR ¶ 73.

23 **B. The Court should impose the mid-Guidelines sentence recommended by**
 24 **Probation**

25 All the relevant 18 U.S.C. § 3553(a) factors support the sentence recommended by
 26 Probation: 96 months in prison, plus lifetime supervision. This mid-Guidelines sentence
 27 suffices but is no greater than necessary to achieve the statutory sentencing goals.

1 ***1. The nature, circumstances, and seriousness of Taylor’s offenses support***
 2 ***the recommended sentence***

3 Sexual abuse of any kind, but especially against children, attacks our collective
 4 decency. *See Kennedy v. Louisiana*, 554 U.S. 407, 413 (2008). Prevention of crimes like
 5 Taylor’s “constitutes a government objective of surpassing importance.” *New York v.*
 6 *Ferber*, 458 U.S. 747, 757 (1982). Indeed, “the protection of our young from sexual
 7 abuse may be among the most important functions of a civilized society.” *United States v.*
 8 *U.S. Dist. Court for Cent. Dist. of California, Los Angeles, Cal.*, 858 F.2d 534, 541 (9th
 9 Cir. 1988).

10 Taylor sexually abused MV1, a helpless and vulnerable 5-year-old child in his
 11 care. Taylor isolated and took advantage of her, forcing her to touch his penis until he
 12 ejaculated. Taylor also abused her in other uncharged incidents. And he coached her to lie
 13 to investigators when interviewed. Taylor robbed MV1 of her childhood, inflicting
 14 psychological wounds that may never fully heal. *Cf. Kennedy*, 554 U.S. at 435 (“We
 15 cannot dismiss the years of long anguish that must be endured by the victim of child
 16 rape.”). For decades, researchers have documented the staggering prevalence of child
 17 sexual abuse in America and the lifelong damage that such abuse inflicts on victims—
 18 from heightened suicide risk to increased prevalence of drug and alcohol use and myriad
 19 other mental health disorders.¹

21 ¹ *See, e.g.,* DAVID FINKELHOR ET AL., SEXUAL ABUSE IN A NATIONAL SURVEY OF ADULT MEN AND WOMEN:
 22 PREVALENCE, CHARACTERISTICS, AND RISK FACTORS 20–22 (1990); *Adaway v. State*, 902 So.2d 746, 751 (Fla. 2005)
 23 (“Researchers have identified a long list of harms caused by child sexual abuse, including ‘fears, anxiety, phobias,
 24 sleep and eating disturbances, poor self-esteem, depression, self-mutilation, suicide, anger, hostility, aggression,
 25 violence, running away, truancy, delinquency, increased vulnerability to revictimization, substance abuse, teenage
 26 prostitution, and early pregnancy.’ . . . [C]ertain adult psychiatric problems, including eating disorders, personality
 27 disorders, and somatization disorder (physical symptoms without medical explanation), can be directly related to child
 sexual abuse.” (citations omitted)); *Petersen v. Bruen*, 792 P.2d 18, 23 n.4 (Nev. 1990) (discussing empirical findings
 related to harmful effects of child sexual abuse, including that “[a]dult women victimized as children are more likely
 to manifest depression, self-destructive behavior, anxiety, feelings of isolation and stigma, poor self-esteem, a
 tendency toward revictimization, and substance abuse,” as well as “[d]ifficulty in trusting others and sexual
 maladjustment”); *J.S. v. R.T.H.*, 714 A.2d 924, 932 (N.J. 1998) (“This Court has recognized that the sexual abuse of
 children not only traumatizes the victims, but also exacts a heavy toll on society. . .”).

1 And MV1 was not Taylor's only victim: Taylor also molested a second 5-year-old
 2 child, MV2, in 2019, and an unconscious adult woman, as charged by the Army in 2016.
 3 The mid-Guidelines sentence recommended by Probation accurately reflects the nature,
 4 circumstances, and seriousness of Taylor's conduct.

5 **2. *Taylor's history and characteristics support the recommended sentence***

6 Taylor sexually abused MV1 a decade ago. But his crimes did not start or stop
 7 then. He went on to sexually assault an unconscious adult victim in 2016 and to molest
 8 another 5-year-old victim (MV2) in 2019. Taylor is a repeat offender and his history and
 9 characteristics support the mid-Guidelines sentence that Probation recommends.

10 Nothing in Taylor's history or characteristics would support a downward variance.
 11 Taylor "had a stable upbringing," raised by a father who worked in law enforcement
 12 (including at the FBI), a mother who worked as a psychiatric nurse, and a stepmother
 13 who worked at Microsoft. PSR ¶¶ 43–45. Taylor grew up with advantages many criminal
 14 defendants lack. Taylor also "reports no history of depression." PSR ¶ 58. On the 0-to-10
 15 Adverse Childhood Experiences scale (with 10 being the highest level of childhood
 16 trauma), Taylor received a score of just 1. PSR ¶ 62.

17 One arguably mitigating factor in Taylor's background is his military service. But
 18 as discussed, Taylor received a less-than-honorable discharge from the Army after trying
 19 to rape an unconscious fellow servicemember. Taylor is also the father of two children;
 20 he was diagnosed with PTSD in 2021; and he has a history of alcohol abuse. PSR ¶¶ 58,
 21 63–64. The recommended mid-Guidelines sentence fully accounts for any such
 22 mitigating factors and fairly balances them against the severe aggravating factors here.²
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 24
 25

26 ² In no event should the government's discussion of aggravating factors be construed as recommending a prison
 27 sentence greater than 96 months. The government highlights these points only to explain why the Court should not
 impose a lower sentence.

1 **3. *The recommended sentence promotes respect for the law, provides just***
 2 ***punishment, and affords adequate deterrence***

3 The recommended mid-Guidelines sentence meets the sentencing factors to
 4 promote respect for law while balancing punishment and deterrence. Taylor’s crimes
 5 reveal a man who lacks empathy and who prioritized his own pleasure over others’ pain.
 6 Taylor is also no stranger to the justice system; this is his third criminal sex offense. The
 7 government hopes that a 96-month sentence, coupled with lifetime supervised release,
 8 will prevent Taylor from reoffending again.

9 **4. *The recommended sentence protects the public***

10 A significant prison sentence followed by lifetime supervised release is the only
 11 reliable way to protect future victims from Taylor. Close-relation child sexual assaults
 12 occur when trusted adults exploit our most vulnerable population. Adults commit these
 13 crimes, as Taylor did, when they know a child is isolated and alone. Offenders violate a
 14 child’s trust and boundaries. The effects on victims are often lifelong. And MV1 was not
 15 Taylor’s only victim. Taylor also molested MV2 (another 5-year-old child) and tried to
 16 rape an unconscious female adult victim. The danger that Taylor poses to the community
 17 is obvious. A mid-Guidelines 96-month sentence and a lifetime term of supervised
 18 release, as recommended by Probation, will protect the public from him.

19 **5. *The recommended sentence avoids unwarranted sentence disparities***

20 Finally, the mid-Guidelines sentence recommended by Probation will “avoid
 21 unwarranted sentence disparities among defendants with similar records who have been
 22 found guilty of similar conduct.” 18 U.S.C. § 3553(a)(6).

23 Congress’s main goal with section 3553(a)(6) was to promote nationwide
 24 consistency in sentencing, *United States v. Jaycox*, 962 F.3d 1066, 1071 (9th Cir.
 25 2020)—that is, to avoid “unjustified difference” across judges or districts. *United States*
 26 *v. Saeteurn*, 504 F.3d 1175, 1181 (9th Cir. 2007). The Guidelines are the best tool for
 27 achieving that goal. A court that correctly calculates and carefully reviews the Guidelines

range “necessarily” gives “significant weight and consideration to the need to avoid unwarranted disparities.” *Gall*, 552 U.S. at 54. Indeed, the Guidelines “are themselves an anti-disparity formula,” so “a sentence below or within a properly calculated Guidelines range . . . necessarily complies with § 3553(a)(6).” *United States v. Perez*, 21 F.4th 490, 494 (7th Cir. 2021) (quotation marks and citations omitted); see *Rita v. United States*, 551 U.S. 338, 354 (2007). The Ninth Circuit has thus struggled to imagine how a within-Guidelines sentence could ever create an unwarranted disparity. *United States v. Osinger*, 753 F.3d 939, 949 (9th Cir. 2014). Whether a defendant can “point to other criminal defendants who may have received lighter sentences under materially different circumstances” does “not matter” under this analysis. *United States v. Espinoza-Baza*, 647 F.3d 1182, 1195 (9th Cir. 2011) (cleaned up).

The recommended mid-Guidelines sentence avoids creating any unwarranted sentencing disparity. By contrast, a dramatic downward variance—as Taylor will likely request—would risk creating such an unwarranted disparity.

IV. CONCLUSION

For all these reasons, the Court should impose the sentence recommended by the Probation Office: 96 months in prison, lifetime supervised release, and the mandatory \$100 special assessment.

DATED this 8th day of November 2024.

Respectfully submitted,

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